

8/17/09 4:33:29
DK W BK 614 PG 619
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

X Prepared by and Return to: Law Offices of Shannon H. Williams, P.C. * MBN#100412 * 5960 Getwell Road, Ste 212B * Southaven, MS 38672
(662) 895-9000 * (662) 895-6000 (fax)

GRANTOR (S)
BANKPLUS C/O
SHANNON WILLIAMS COLEMAN, TRUSTEE
200 CONCOURSE, STE 210
RIDGELAND, MS 39157
Phone: 601-898-4840 *

Phone: N/A

GRANTEE (S)
OAKHURST DEVELOPMENT, INC.,
A MISSISSIPPI CORPORATION
1068 HIGHLAND COLONY PKWY
RIDGELAND, MS 38157
Phone: 601-898-4841 * Phone: N/A

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, on February 28, 2006, MEREDITH MCCULLAR executed a Deed of Trust to THOMAS R. HUDSON, Trustee for the use and benefit of BANKPLUS, which Deed of Trust is on file and of record in the office of the Chancery Clerk of DESOTO County, Mississippi, in Deed of Trust Book 2425, at Page 759 thereof; and

WHEREAS, the legal holder and beneficiary of said deed of trust, in accordance with the terms of said Deed of Trust, substituted SHANNON W. COLEMAN, as Substitute Trustee, in place and stead of the original Trustee named in said Deed of Trust by Substitution of Trustee which is on file and of record in the office of the aforesaid Chancery Clerk in Book 3041 at Page 446, thereof, the said SHANNON W. COLEMAN, being granted all the rights, powers and privileges of the said original Trustee named in said Deed of Trust; and

WHEREAS, default having been made in the terms and conditions of said Deed of Trust and the entire indebtedness secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, BANKPLUS, the legal holder of said indebtedness, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property described in said Deed of Trust in accordance with the terms of said Deed of Trust for the purpose of raising the sums due thereunder, together with attorney's fees, trustee's fees and expenses of sale; and

WHEREAS, the undersigned Substitute Trustee in accordance with terms of said Deed of Trust and the laws of the State of Mississippi did advertise said sale in the DeSoto Times, a newspaper published in the County of DeSoto, State of Mississippi, on the following dates, to-wit: June 23, June 30, July 7, and July 14, 2009 which is more fully shown by the original Proof of Publication which is attached hereto as Exhibit "A" and made a part hereof as though fully copied herein in words and figures; and by posting on the 22nd day of June, 2009, a copy of the Substitute Trustee's Notice of Sale on the bulletin board of the County Courthouse of DeSoto, Mississippi; and

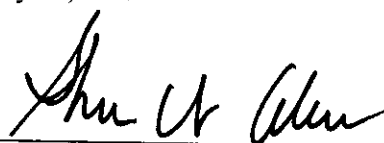
WHEREAS, on July 15, 2009, at the East front door of the DeSoto County Courthouse, at Hernando, Mississippi, between the hours of 11:00 o'clock a.m. and 4:00 o'clock p.m., the undersigned Substitute Trustee did offer for sale at public outcry and did sell to the highest bidder for cash the following described land and property situated in Southaven, DeSoto County, Mississippi, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, the undersigned Substitute Trustee offered the above described property for sale at public outcry as set forth above, and there appeared at said sale an agent for OAKHURST DEVELOPMENT, INC. bidding the sum of \$1,070,000.00 for all of the above-described property and being the highest and best bid, said property was struck off to OAKHURST DEVELOPMENT, INC. for said amount, and said bidder was declared the purchaser thereof.

NOW THEREFORE, in consideration of the premises and the sum of \$1,070,000.00, cash in hand paid, the receipt of which is hereby acknowledged, SHANNON W. COLEMAN, SUBSTITUTE TRUSTEE, does hereby sell and convey to OAKHURST DEVELOPMENT, INC., all of the above-described property, conveying only such title as is vested in him as Substitute Trustee.

WITNESS MY SIGNATURE on this Thursday, July 16, 2009



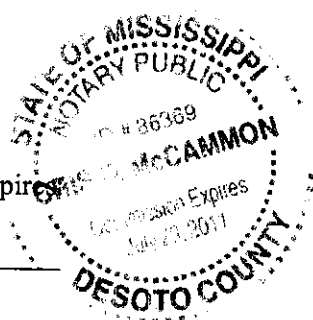
SHANNON W. COLEMAN
SUBSTITUTE TRUSTEE

STATE OF MISSISSIPPI

COUNTY OF DeSoto

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named SHANNON W. COLEMAN, SUBSTITUTE TRUSTEE in the above and foregoing instrument of writing, who acknowledged to me that he/she, as said Substitute Trustee, signed and delivered the above and foregoing instrument of writing on the day and year and for the purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE on this; July 16, 2009.



My Commission Expires

7-29-11



NOTARY PUBLIC

EXHIBIT A

TRACT I

LEGAL DESCRIPTION OF THE GROVE PARTNERS LLC 2.00 ACRE TRACT BEING LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 7 WEST, DESOTO COUNTY, MISSISSIPPI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 2 SOUTH RANGE 7 WEST, CITY OF SOUTHAVE, DESOTO COUNTY, MISSISSIPPI; THENCE SOUTH 00°12'21" EAST ALONG THE WEST LINE OF THE SECTION 3 320.20 FEET TO A POINT; THENCE NORTH 89°58'02" EAST A DISTANCE OF 56.02 FEET TO A POINT, SAID POINT BEING 53.00 FEET FROM THE PHYSICAL CENTERLINE OF GETWELL ROAD (106' R.O.W.) AND THE TRUE POINT OF BEGINNING FOR THIS 2.00 ACRE TRACT; THENCE SOUTH 00°10'18" EAST A DISTANCE OF 400.00 TO A POINT; THENCE NORTH 89°58'02" EAST A DISTANCE OF 217.80 TO A POINT; THENCE NORTH 00° 10'18" WEST A DISTANCE OF 400.00 TO A POINT; THENCE SOUTH 89°58'02" WEST A DISTANCE OF 217.80 TO THE POINT OF BEGINNING; CONTAINING 2.00 ACRES OR 87120.26 SQUARE FEET MORE OR LESS. SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OF RECORD AND SUBDIVISION REGULATIONS IN EFFECT FOR THE CITY OF SOUTHAVEN.

LESS AND EXCEPT:

Legal description of a portion of the Meredith McCullar 2.00 acre tract being located in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 2 South, Range 7 West, Desoto County, Mississippi being more particularly described as follows:

Commencing at the Northwest corner of Section 3, Township 2 South, Range 7 West, City of Southaven, DeSoto County, Mississippi; Thence South 00° 12'21" East along West line of Section a distance of 320.20 feet to a point on said West line; Thence north 89° 58'02" East a distance of 56.02 feet to an iron pin on the East right of way of Getwell Road, said point being 53.0 feet from the physical centerline of Getwell Road and true point of beginning of this description; Thence continue North 89° 58'02" East a distance of 40.0 feet to a point; Thence South 00° 10' 18" East a distance of 4.34 feet to the point of curvature of a curve to the right having a radius of 15.0 feet, a delta angle of 90°, a chord bearing of South 44° 49'42" West with a chord distance of 21.21 feet, an arc length of 23.56 feet to the point of tangency; thence South 89° 49'42" West a distance of 25.0 feet to a point on the East right of way of Getwell Road, Thence North 00° 10'18" West, along said right of way a distance of 19.44 feet to the point of beginning containing 727.2880 Square Feet or 0.0167 acres more or less. Subject to rights of ways of public roads and utilities, zoning and subdivision regulations in effect and easements of record.

TRACT II

Legal description of a portion of the Grove Partners Area 15 Retail site being located in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 2 South, Range 7 West, Desoto County, Mississippi being more particularly described as follows:

Commencing at the Northwest corner of Section 3, Township 2 South, Range 7 West, City of Southaven, DeSoto County, Mississippi; Thence South $00^{\circ} 12' 21''$ East along West line of Section a distance of 320.20 feet to a point on said West line; Thence North $89^{\circ} 58' 02''$ East a distance of 56.02 feet to an iron pin on the East right of way of Getwell Road, said point being 53.0 feet from the physical centerline of Getwell Road; Thence continue North $89^{\circ} 58' 02''$ East a distance of 40.0 feet to a point, said point being the true point of beginning this description; Thence North $00^{\circ} 10' 18''$ West a distance of 1.66 feet to a point on the South line of lot 1 area 15 Snowden Grove PUD (unrecorded); Thence North $89^{\circ} 49' 42''$ East, along said South line a distance of 177.80 feet to a point; Thence South $00^{\circ} 10' 18''$ East a distance of 2.09 feet to a point; Thence South $89^{\circ} 58' 02''$ West a distance of 177.8 feet to the point of beginning containing 333.2708 Square Feet or 0.0077 acres more or less. Subject to rights of ways of public roads and utilities, zoning and subdivision regulations in effect and easements of record.

DESOTO TIMES-TRIBUNE

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times-Tribune, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

SUBSTITUTED TRUSTEE'S NOTICE OF SALE

WHEREAS, on February 28, 2009, JAMES M. MC-CULLAM executed a Deed of Trust to THOMAS R. HUDSON, as Trustee for the benefit of BANKPLUS, which Deed of Trust is recorded in Trust Deed Book 2425, Page 759 in the office of the Chancery Clerk of DESOTO County, Mississippi; and

WHEREAS, the legal holder of the said Deed of Trust and the note secured thereby, substituted SHANNON W. COLEMAN as Trustee therein, as authorized by the terms thereof, by instrument recorded in the office of the aforesaid Chancery Clerk in Book 3041 at Page 446 thereof, and

WHEREAS, default having been made in the performance of the terms and conditions of said Deed of Trust and the entire debt secured thereby having been declared to be due and payable in accordance with the terms of said Deed of Trust, and the legal holder of said indebtedness BANKPLUS, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Trustee's fees and expenses of sale;

NOW, THEREFORE, I, SHANNON W. COLEMAN, Substitute Trustee in said Deed of Trust, will on July 15, 2009, offer for sale and will sell at public outcry, to the highest bidder for cash, within legal hours (being between the hours of 11:00 A.M. and 4:00 P.M.) at the east front door of the County Court-house in Hernando, DeSoto County, State of Mississippi, the following described property situated in DESOTO County, Mississippi, as follows:

**See Exhibit A attached hereto and made a part hereof

EXHIBIT A

TRACT I

LEGAL DESCRIPTION OF THE ABOVE PARTNERSHIP, LLC 236 ACRES TRACT BEING LOCATED IN THE

NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 7 WEST, DESOTO COUNTY, MISSISSIPPI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

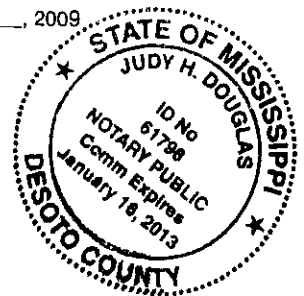
Volume No. 114 on the 23 day of June, 2009
Volume No. 114 on the 30 day of June, 2009
Volume No. 114 on the 7 day of July, 2009
Volume No. 114 on the 14 day of July, 2009
Volume No. _____ on the _____ day of _____, 2009
Volume No. _____ on the _____ day of _____, 2009

Diane Smith

Sworn to and subscribed before me, this 14 day of July, 2009

BY Judy H. Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2013
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



A. Single first insertion of 1025 words @ .12 \$ 123.00
B. 2 subsequent insertions of 3075 words @ .10 \$ 307.50
C. Making proof of publication and depositing to same \$ 3.00
TOTAL PUBLISHER'S FEE: \$ 433.50

COMMENCING AT THE
NORTHWEST CORNER
OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 7
WEST, CITY OF SOUTHAVEN, DE SOTO
COUNTY, MISSISSIPPI;
THENCE SOUTH 00°12'21"
EAST ALONG THE WEST
LINE OF THE SECTION 3
320.20 FEET TO A POINT;
THENCE NORTH 89°58'02"
EAST A DISTANCE OF
56.02 FEET TO A POINT,
SAID POINT BEING 53.00
FEET FROM THE PHYSICAL
CENTERLINE OF
GETWELL ROAD (108'
R.O.W.) AND THE TRUE
POINT OF BEGINNING
FOR THIS 2.00 ACRE
TRACT; THENCE SOUTH
00°10'18" EAST A DISTANCE
OF 400.00 TO A
POINT; THENCE NORTH
89°58'02" EAST A DISTANCE
OF 217.80 TO A
POINT; THENCE NORTH
00°10'18" WEST A DISTANCE
OF 400.00 TO A
POINT; THENCE SOUTH
89°58'02" WEST A DISTANCE
OF 217.80 TO THE
POINT OF BEGINNING;
CONTAINING 2.00 ACRES
OR 87120.26 SQUARE
FEET MORE OR LESS,
SUBJECT TO ALL RIGHTS
OF WAY, EASEMENTS OF
RECORD AND SUBDIVISION
REGULATIONS IN
EFFECT FOR THE CITY
OF SOUTHAVEN.

LESS AND EXCEPT:

Legal description of a portion of
the Meredith McCuller 2.00
acre tract being located in
the Northwest 1/4 of the
Northwest 1/4 of Section 3,
Township 2 South, Range 7
West, DeSoto County, Mississippi
being more particularly described as follows:

Commencing at the Northwest
corner of Section 3, Township 2 South, Range 7
West, City of Southaven, DeSoto County, Mississippi;
Thence South 00°12'21"
East along West line of Section a distance of 320.20
feet to a point on said West line; Thence North 89°58'02"
East a distance of 56.02 feet to an iron pin on the East right of way of
Getwell Road, said point being 53.0 feet from the physical centerline of
Getwell Road and true point of beginning of this description; Thence continue North
89°58'02" East a distance of 40.0 feet to a point; Thence South 00°10'18"
East a distance of 4.34 feet to the point of curvature of a curve to the right having a
radius of 15.0 feet, a delta angle of 90°, a chord bearing of South 44°49'42"
West with a chord distance of 21.21 feet, an arc length of 129.56 feet to the point of tangency; Thence South 89°49'42"
West a distance of 25.0 feet to a point on the East right of way of Getwell Road; Thence South 00°10'18"
East a distance of 18.44 feet to the point of beginning containing 137,940.00 Square Feet or
3.146 Acres more or less, Subject to rights of ways of public roads and utilities, zoning and subdivision regulations in effect and easements of record.

TRACT II

Legal description of a portion of
the Meredith McCuller 2.00
acre tract being located in
the Northwest 1/4 of the
Northwest 1/4 of Section 3,
Township 2 South, Range 7
West, DeSoto County, Mississippi
being more particularly described as follows:

Commencing at the Northwest
corner of Section 3, Township 2 South, Range 7
West, City of Southaven, DeSoto County, Mississippi;
Thence South 00°12'21"
East along West line of Section a distance of 320.20
feet to a point on said West line; Thence North 89°58'02"
East a distance of 56.02 feet to an iron pin on the East right of way of
Getwell Road, said point being 53.0 feet from the physical centerline of
Getwell Road; Thence continue North 89°58'02" East a distance of 40.0 feet to a
point, said point being the true point of beginning this description; Thence North
00°10'18" West a distance of 1.66 feet to a point on the South line of lot 1 area 15
Snowden Grove PUD (unrecorded); Thence North 89°49'42" East, along said
South line a distance of 177.80 feet to a point; Thence South 00°10'18"
East a distance of 2.08 feet to a point; Thence South 89°58'02" West a distance
of 177.8 feet to the point of beginning containing 333,270.8 Square Feet or
0.0077 acres more or less. Subject to rights of ways of public roads and utilities, zoning and subdivision regulations in effect and easements of record.

I will convey only such title as is
vested in Substitute Trustee.

WITNESS MY SIGNATURE
this Friday, June 19, 2009.

/S/ Shannon W. Coleman
SHANNON W. COLEMAN
Publish: June 23, 2009, June
30, 2009, July 7, 2009,
July 14, 2009

AFFIDAVIT OF POSTING

STATE OF MISSISSIPPI

COUNTY OF DESOTO

I, CHRISTA FRANK, hereby state on oath that on the 22nd day of JUNE, 2009, I posted the Substituted Trustee's Notice of Sale of the property covered by the Deed of Trust recorded in the office of the Chancery Court Clerk of DESOTO County, at HERNA NDO, Mississippi, in Book 2425 at Page 759, on the bulletin board of the DESOTO County Courthouse in DESOTO, Mississippi.

Witness my Signature, on the 22nd day of JUNE, 2009.


CHRISTA FRANK


STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named CHRISTA FRANK, who acknowledged that he/she posted the Notice of Sale as set forth in the above and foregoing instrument of writing on the day therein mentioned.

WITNESS MY SIGNATURE AND OFFICIAL SEAL OF OFFICE; this, the 22nd day of JUNE, 2009.

My Commission Expires _____




Notary Public

AFFIDAVIT OF FORECLOSURE SALE

STATE OF MISSISSIPPI

COUNTY OF DESOTO

THE UNDERSIGNED, after having been first duly sworn, state upon oath that they personally witnessed and/or participated in a public foreclosure sale conducted on **July 15, 2009** at 2:30 pm held at the East front door of the DESOTO County Courthouse located in HERNANDO, Mississippi, in DESOTO County Mississippi, wherein certain property, particularly described in the ***Substituted*** Trustee's Notice of Sale, which was read at the Sale (a true and correct copy of which is attached hereto as an exhibit), was sold at public outcry by SHANNON W. COLEMAN , ***Substituted*** Trustee, to OAKHURST DEVELOPMENT, INC., highest bidder at said sale, for the sum of \$1,070,000.00.

Witness our Signatures, on Thursday, July 16, 2009.



Shannon Williams Coleman (MBN#100412)
5960 Getwell #212B
Southaven, MS 38672
662-895-9000 * 662-895-6000 (fax)

STATE OF MISSISSIPPI

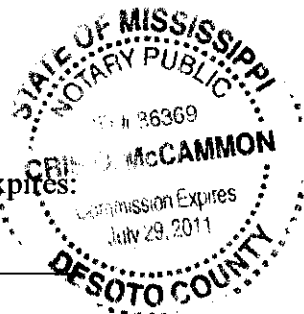
COUNTY OF DESOTO

Personally came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named Shannon Williams Coleman, who acknowledged that she witnessed and/or participated in the foreclosure sale as set forth in the above and foregoing instrument of writing on the day therein mentioned.

WITNESS MY SIGNATURE AND OFFICIAL SEAL OF OFFICE, this the Thursday, July 16, 2009.

My Commission Expires:

7-29-11


Notary Public